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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,825	01/06/2000	Max Abecassis		2218

7590 06/30/2004
MAX ABECASSIS
18457 LONG LAKE DRIVE
BOCA RATON, FL 33496

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

13

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/478,825

Applicant(s)

ABECASSIS, MAX

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 0203.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-96 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 70-96 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 and 11</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Terminal Disclaimer

2. The terminal disclaimer filed on May 11, 2000 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,434,678 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 70-96 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,208,805 B1 in view of Russell Mayo Sasnett (the article Reconfigurable Video submitted by applicant).

Regarding claim 70 of this application, claim 1 of U.S. Patent No. 6,208,805 B1 recites an apparatus capable of playing an optical disc storing (1) a video program including within a plurality of video segments for variably playing a scene of the video program; (2) segment information directly defining a plurality of video segments; and (3) at least one segment code for preventing a control function from interfering with a playing of a video segment; said apparatus comprising processing random accessing, and buffering means; and:

means responsive to the segment code for preventing a control function of the apparatus from interfering with a playing of at least one video segment;

means responsive to the segment information for selecting video segments from within the video program; and

means for playing the selected video segments as a seamless version of, and from within the video program, the playing comprising a video buffering for seamlessly skipping over non-selected video segments included within the video program. however, claim 1 of U.S. Patent No. 6,208,805 B1 does not specifically recite the claimed that the video segment information not superimposed on video information within a video segment and comprising video segment address information identifying a location of a video segment of the video program.

Russell Mayo Sasnett teaches Reconfigurable Video System for allowing for the creation of indices and outlines and previewing and browsing information which have previously been unavailable to the medium. The Reconfigurable Video System having

video segment address information not superimposed on video information and identifying a location of a video segment of the video program (pages 39-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of addressing video segments as taught by Russell Mayo Sasnett into claim 1 of U.S. Patent No. 6,208,805 B1 in order to simplify the process of searching for the desired video segments stored in the recording medium.

Regarding claim 71 of this application, claim 1 of U.S. Patent No. 6,208,805 B1 also recited the claimed wherein the video segment information is logically segmented to permit concurrent processing with a playing of a video segment (means responsive to the segment code for preventing a control function of the apparatus from interfering with a playing of at least one video segment).

Regarding claim 72 of this application, as discussed in claim 70 of this application, the combination of claim 1 of U.S. Patent No. 6,208,805 B1 and Russell Mayo Sasnett discloses all the claimed limitations except for providing wherein one of the play control functions is a user interface function.

Russell Mayo Sasnett also teaches an user interface function includes in his Reconfigurable Video System (Menu screens disclosed in pages 48-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the Menu screens as taught by Russell Mayo Sasnett into claim 1 of U.S. Patent No. 6,208,805 B1 in order to simplify the process of searching for the desired video segments stored in the recording medium.

Regarding claim 73 of this application, claim 2 of U.S. Patent No. 6,208,805 B1 recites the claimed wherein one of the play control functions is a segment skip function.

Regarding claim 74 of this application, claim 3 of U.S. Patent No. 6,208,805 B1 recites the claimed wherein one of the play control functions is a fast-forward function.

Regarding claim 75 of this application, as discussed in claim 70 of this application, the combination of claim 1 of U.S. Patent No. 6,208,805 B1 and Russell Mayo Sasnett discloses all the claimed limitations except for providing wherein one of the play control functions is a pause function.

The capability of pause the video signal playing back from the recording medium is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known pause function into claim 1 of U.S. Patent No. 6,208,805 B1 in order to allow the user to pause the playing back of the video signal from the recording medium during phone conversation.

Claims 76-80 of this application are rejected over claims 1-3 of U.S. Patent No. 6,208,805 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

Claims 81-85 of this application are also rejected over claims 1-3 of U.S. Patent No. 6,208,805 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

Claims 86-91 of this application are rejected over claims 1-3 of U.S. Patent No. 6,208,805 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-75 of this application above

Claims 92-96 of this application are rejected over claims 1-3 of U.S. Patent No. 6,208,805 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

5. Claims 70-96 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,304,715 B1 in view of Russell Mayo Sasnett (the article Reconfigurable Video submitted by applicant).

Regarding claim 70 of this application, claim 1 of U.S. Patent No. 6,304,715 B1 recites a laser readable disc for use in conjunction with a playback apparatus having a random access capability and a plurality of control functions for selectively playing separately addressed video segments, said laser readable disc comprising:

at least one spiral track storing a video program comprising a plurality of separately addressable video segments;

video segment address information directly defining said plurality of separately addressable video segments; and

at least one segment code, in addition to said address information, for preventing at least one of said control functions of said apparatus from interfering with a playing of at least one of said plurality of separately addressable video segments. However, claim

1 of U.S. Patent No. 6,304,715 B1 does not specifically recite the claimed that the video segment information not superimposed on video information within a video segment.

Russell Mayo Sasnett teaches Reconfigurable Video System for allowing for the creation of indices and outlines and previewing and browsing information which have previously been unavailable to the medium. The Reconfigurable Video System having video segment address information not superimposed on video information and identifying a location of a video segment of the video program (pages 39-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of addressing video segments as taught by Russell Mayo Sasnett into claim 1 of U.S. Patent No. 6,304,715 B1 in order to simplify the process of searching for the desired video segments stored in the recording medium.

Regarding claim 71 of this application, claim 1 of U.S. Patent No. 6,304,715 B1 also recited the claimed wherein the video segment information is logically segmented to permit concurrent processing with a playing of a video segment (at least one segment code, in addition to said address information, for preventing at least one of said control functions of said apparatus from interfering with a playing of at least one of said plurality of separately addressable video segments).

Regarding claim 72 of this application, as discussed in claim 70 of this application, the combination of claim 1 of U.S. Patent No. 6,304,715 B1 and Russell Mayo Sasnett discloses all the claimed limitations except for providing wherein one of the play control functions is a user interface function.

Russell Mayo Sasnett also teaches an user interface function includes in his Reconfigurable Video System (Menu screens disclosed in pages 48-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the Menu screens as taught by Russell Mayo Sasnett into claim 1 of U.S. Patent No. 6,304,715 B1 in order to simplify the process of searching for the desired video segments stored in the recording medium.

Regarding claim 73 of this application, claim 2 of U.S. Patent No. 6,304,715 B1 recites the claimed wherein one of the play control functions is a segment skip function.

Regarding claim 74 of this application, claim 3 of U.S. Patent No. 6,304,715 B1 recites the claimed wherein one of the play control functions is a fast-forward function.

Regarding claim 75 of this application, as discussed in claim 70 of this application, the combination of claim 1 of U.S. Patent No. 6,304,715 B1 and Russell Mayo Sasnett discloses all the claimed limitations except for providing wherein one of the play control functions is a pause function.

The capability of pause the video signal playing back from the recording medium is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known pause function into claim 1 of U.S. Patent No. 6,304,715 B1 in order to allow the user to pause the playing back of the video signal from the recording medium during phone conversation.

Claims 76-80 of this application are rejected over claims 1-3 of U.S. Patent No. 6,304,715 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

Claims 81-85 of this application are also rejected over claims 1-3 of U.S. Patent No. 6,304,715 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

Claims 86-91 of this application are rejected over claims 1-3 of U.S. Patent No. 6,304,715 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-75 of this application above

Claims 92-96 of this application are rejected over claims 1-3 of U.S. Patent No. 6,304,715 B1 and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 70-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasue (JP Laid open Patent Application H3-136485) in view of Russell Mayo Sasnett (the article Reconfigurable Video submitted by applicant).

Regarding claim 70 of this application, Yasue discloses a laser readable disc (optical video disk system disclosed in page 630, lines 25-40) for use in conjunction with

an apparatus capable of playing the laser readable disc, the apparatus having a random access capability and a plurality of play control functions (special replay or random access disclosed in page 629, lines 30-50), the laser readable disc comprising:

at least one track storing a video program having a plurality of video segments each including video information (optical video disk system disclosed in page 630, lines 25-40); and

a segment code (a second information identification code disclosed in page 630, last paragraph) superimposed on the video signal to indicate whether at least one play control function of the apparatus is to be prohibited during a playing of the video segment. However, Yasue does not specifically disclose video segment address information identifying a location of a video segment of the video program and that the video segment address information and the segment code are not superimposed on video information within a video segment.

Russell Mayo Sasnett teaches Reconfigurable Video System for allowing for the creation of indices and outlines and previewing and browsing information which have previously been unavailable to the medium. The Reconfigurable Video System having video segment address information not superimposed on video information and identifying a location of a video segment of the video program (pages 39-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of addressing video segments as taught by Russell Mayo Sasnett into Yasue's system in order to simplify the process of searching for the desired video segments stored in the recording medium.

Regarding claim 71 of this application, Yasue also discloses the claimed wherein the video segment information is logically segmented to permit concurrent processing with a playing of a video segment (the capability of prohibiting the mode in which information such as special replay or random access is skipped in viewing disclosed in page 629, lines 25-30).

Regarding claim 72 of this application, as discussed in claim 70 of this application, the combination of Yasue and Russell Mayo Sasnett discloses all the claimed limitations except for providing wherein one of the play control functions is a user interface function.

Russell Mayo Sasnett also teaches an user interface function includes in his Reconfigurable Video System (Menu screens disclosed in pages 48-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the Menu screens as taught by Russell Mayo Sasnett into Yasue in order to simplify the process of searching for the desired video segments stored in the recording medium by using menus.

Regarding claim 73 of this application, Yasue further disclose the claimed wherein one of the play control functions is a segment skip function (the capability of prohibiting the skip-viewing mode during replay of the second information disclosed in page 630, lines 10-20).

Regarding claim 74 of this application, as discussed in claim 70 of this application, the combination of Yasue and Russell Mayo Sasnett discloses all the

claimed limitations except for providing wherein one of the play control functions is a fast-forward function.

Yasue also teaches prohibiting the mode in which information such as **special replay** or random access is skipped in viewing (page 629, lines 25-30).

It is old and well known in the art that **fast-forward function** is one type of **special replay**; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known fast-forward function into the Yasue's system since it merely amounts to selecting an alternative equivalent special replay function.

Regarding claim 75 of this application, as discussed in claim 70 of this application, the combination of Yasue and Russell Mayo Sasnett discloses all the claimed limitations except for providing wherein one of the play control functions is a pause function.

Yasue also teaches prohibiting the mode in which information such as **special replay** or random access is skipped in viewing (page 629, lines 25-30).

It is old and well known in the art that **pause function** is one type of **special replay**; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known pause function into the Yasue's system since it merely amounts to selecting an alternative equivalent special replay function.

Claims 76-80 of this application are rejected over Yasue and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

Claims 81-85 of this application are also rejected over Yasue and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

Claims 86-91 of this application are rejected over Yasue and Russell Mayo Sasnett for the same reasons as discussed in claims 70-75 of this application above

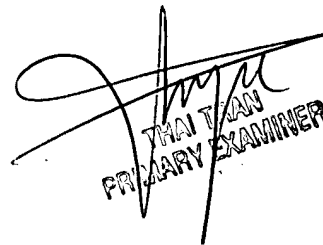
Claims 92-96 of this application are rejected over Yasue and Russell Mayo Sasnett for the same reasons as discussed in claims 70-74 of this application above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ


THAI TRAN
PRIMARY EXAMINER